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DATE FILED: 12/29/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASPEX EYEWEAR, INC. and
CONTOUR OPTIK, INC.,

Plaintiffs,

v.

CLARITI EYEWEAR, INC.,

Defendant.

CLARITI EYEWEAR, INC.,

Counterclaim Plaintiff,

v.

ASPEX EYEWEAR, INC. and
CONTOUR OPTIK, INC.,

Counterclaim Defendants.

Civil Action No. 07-cv-2373 (DC) (THK)

District Judge Denny Chin

Magistrate Judge Theodore H. Katz

FILED
U.S. DISTRICT COURT
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S.D. OF N.Y.

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NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiffs Aspex Eyewear, Inc. ("Aspex") and Contour Optik, Inc. ("Contour") hereby appeal to the United States Court of Appeals for the Federal Circuit from the November 26, 2008 final judgment of the United States District Court for the Southern District of New York (entered on December 1, 2008), and from all prior adverse orders, including the November 26, 2008 Memorandum Decision.


#673486 & 455-02

Payment in the amount of \$455.00 accompanies this notice, which includes the docket fee of the United States Court of Appeals for the Federal Circuit.

Respectfully submitted,

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Dated: December 24, 2008

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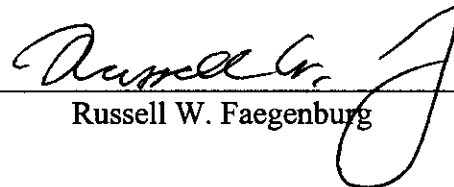
CERTIFICATE OF SERVICE

I hereby certify that a copy of the Notice of Appeal of Plaintiffs Aspex Eyewear, Inc. and Contour Optik, Inc. is being served upon the following counsel of record this 24th day of December, 2008, as follows:

VIA FIRST-CLASS MAIL

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ASPEX 6.1-002
Civil Action No. 07-cv-2373